

CLERK'S OFFICE U.S. DIST. COURT  
AT ABINGDON, VA  
FILED

OCT 18 2021

JULIA C. DUDLEY, CLERK  
BY: *A. Neale*  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

MELINDA SCOTT, )

)

PLAINTIFF. )

)

V. )

CL NO. 2:20cv14

)

WISE CO. DSS, )

ET AL., )

)

DEFENDANTS. )

PLAINTIFF's SECOND  
NOTICE OF NON-CONSENT TO  
MAGISTRATE JUDGE JURISDICTION

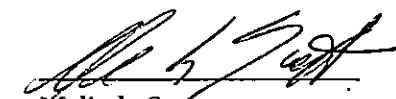
COMES NOW, the Plaintiff, Melinda Scott and states:

1. Under Rule 73, of the Federal Rules of Civil Procedure: "When a magistrate judge has been designated to conduct civil actions or proceedings, the clerk must give the parties written notice of their opportunity to consent under 28 U.S.C. §636(c)"
  - a. Up until this date, the Plaintiff has *not* been served any notice by a clerk of this court regarding the appointment of a Magistrate Judge being designated to oversee in this case.
2. Further, Rule 73 states: "To signify their consent, the parties must jointly or separately file a statement consenting to the referral" and "A district judge, magistrate judge, or other court official may remind the parties of the magistrate

judge's availability, *but must also advise them that they are free to withhold consent without adverse substantive consequences.*"

- a. The Plaintiff, has not given, and does not give, her consent to a Magistrate Judge to preside over this civil action.
3. 28 USC §636(b)(4) and Local Rule 73 ("Magistrate Judges") require written consent of the litigants involved to have a Magistrate Judge oversee any and all proceedings in a civil case.
4. Plaintiff hereby informs this court that she has not previously given and does *not* give her consent for a magistrate judge to conduct any and all proceedings in the above named case.
5. The Plaintiff's first notice regarding the appointment of a magistrate judge over this civil case, unintentionally omitted the "(b)" of 28 USC §636[(b)(4)]. This second notice corrects the omission of the letter "b".

SIGNED,



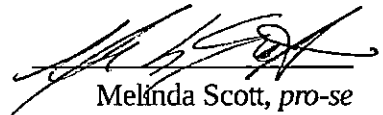
Melinda Scott, *pro-se*

PO BOX 1133-2014PMB87 (VA ACP address)  
Richmond, VA 23218  
540-692-2342  
mscottw@gmu.edu

CERTIFICATE OF SERVICE

I certify that I have mailed a copy of this SECOND NOTICE to Counsel for the Defendant, Matthew D. Hardin, VSB #87482, 1725 I Street NW, Suite 300, Washington, D.C., 20006, and at matthewdhardin@gmail.com on this \_\_14th\_\_ day of OCT., 2021.

SIGNED,

A handwritten signature in black ink, appearing to read 'Melinda Scott', is written over a horizontal line.

Melinda Scott, *pro-se*  
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mscottw@gmu.edu